Rights of the Terminally Ill Act

Marshall Perron *The world's first Voluntary Euthanasia (VE) legislation was introduced in the Northern Territory in 1995 when Marshall was Chief Minister of the NT Government.*

In May 1995 the NT Legislative Assembly passed the first legislation in the world which gave dying adults the option of medical assistance to die at a time they chose.

It was called the *Rights of the Terminally Ill Act.*

The law was overturned by the Federal Parliament after just 9 months of operation. Four people took the opportunity to relieve their suffering during that period.

28 years later, after every state in Australia had passed a Voluntary Assisted Dying law, the Territory regained the authority to legislate that was taken away in 1996.

Every one of the 25 members of the Legislative Assembly now has the ability to introduce a Private Members Bill on Voluntary Assisted Dying. Each of the state laws vary somewhat and decisions have to be made about what provisions any new Territory law should contain.

I submit that an amended version of the original NT Rights of the Terminally Ill Act, is a sensible option. That law contained all the principal elements of the VAD laws passed in Australian states and the ACT.

Applicants must be assessed by two doctors to be competent, informed, terminally ill adults acting voluntarily without coercion.

Some provisions should be deleted, e.g. a compulsory psychiatric examination and others included, e.g. requiring applicants to be Territory residents.

A big plus for this course of action is the administration required by the Rights of the Terminally Ill Act was handled in house by existing Government agencies.

Some states have established cumbersome bureaucracies.

All Australians should have choice in their end of life decisions. It should not matter in which part of the country we live!
J Henderson

For the politicians it is not up to you as individuals, you need to do what your constituents want. It should be easy, you have the previous NT VE legislation and the legislation from all the other states to use. JUST DO IT. STOP DRAGGING YOUR FEET. The Restoring Territory Rights Bill was passed in Dec 2022. How long do we have to wait? D Swart

This government need to enact this legislation and bring us in line with the rest of the nation and stop with the delays.
G Dicken

The NT needs to enact VAD. Constituents want it, politicians were elected to represent the constituents so make it happen! Nobody will force you to use if you don't agree but for those that want the choice, it MUST be enacted!
N Lahring

What you can do

Tell the Chief Minister or your local member that having VAD legislation is important to you and that it is time to take action

1. **Send an email**
2. **Write a letter**
3. **Make a phone call**
4. **Have a chat in-person**

You may choose to write something along the lines of the letter below.

Dear Chief Minister

As a member of your electorate, I am writing to you today to ask you to begin the process of creating VAD legislation for the Northern Territory *without* delay.

VAD should be a choice for eligible terminally-ill Territorians reaching the end of their life. This choice is enshrined everywhere else in Australia. I want the same rights as other citizens. The right to choose for myself about the way I die.

I urge you to support VAD legislation and to use your term to create change, much sought after by the majority of your constituents.

Yours sincerely

Territorian Citizen

Information: *You can phone the Office of the Clerk, NT Parliament (08) 8946 1512 for contact details of each MLA.*

Email address for our Chief Minister is Chief.Minister@nt.gov.au

MLAs should act for Territorians

Judy Dent, President of the Northern Territory Voluntary Euthanasia Society (NTVES) *Judy has been campaigning for the right to VAD for nearly 27 years.*

Since the Federal Parliament vetoed the Northern Territory Rights of the Terminally Ill Act in 1996 every Australian state and the Australian Capital Territory has legalised Voluntary Assisted Dying. Victoria was first, their law commencing in June 2019. Next was WA in July 2021, followed by Tasmania October 2022, SA in January 2023, Queensland January 2023, NSW November 2023.

The ACT, like the NT, was prohibited from legislating for VAD until the veto was removed in December 2022. The ACT parliament moved quickly to pass a law giving their citizens access to VAD. It commences in November 2025.

Polls have shown the vast majority of Territorians want the option of Voluntary Assisted Dying that is available to other Australians. Sadly, since the Legislative Assembly election last year our political representatives have refused to address the issue. While the Government claims "There are more important things to deal with", terminally ill Territorians are denied the right to choose their time of death to avoid unbearable suffering. Others, who may never use the law, are denied the comfort of simply knowing the option is there if they need it.

The responsibility to act in the interests of the people who voted them into office rests with each individual Member of Parliament. If the Territory Government will not introduce a VAD Bill, then individual MLAs should band together and introduce a private members Bill. That is how it was done in Tasmania, SA and NSW.

seniorsvoice

NORTHERN TERRITORY

SPEAKING OUT FOR NT SENIORS

Published by COTA NORTHERN TERRITORY for senior Territorians
The peak body for NT Seniors since 1969

Go Gentle Australia · NTVES Northern Territory Voluntary Euthanasia Society · independence matters Association of Independent Retirees · MARSHALL PERRON

"You don't have to agree with it, but you should get out of the way of those of us who wish it for ourselves."

Seniors Voice is supported by community and NT stakeholders

73% of survey respondents out of a total of 1396 agreed that a person should be able to choose when they die.

Voluntary Assisted Dying in Australia

Go Gentle Australia

In 2019, Victoria became the first Australian state to implement voluntary assisted dying (VAD). Over the next five years, laws were passed in every other state, and the ACT.

The laws broadly follow the 'Australian model' of VAD, whereby an eligible person needs to be terminally ill with a timeframe to death within six-12 months, and be suffering intolerably. They also need to have decision-making capacity.

Go Gentle Australia's State of VAD report shows that more than 2,460 terminally ill Australians have ended their life using VAD since the laws were introduced.

A typical VAD applicant is aged 70-79 years, with cancer. Around 4 in 5 also receive palliative care.

The report shows that while assisted deaths represent a small proportion of all deaths (between 0.5 and 1.6%), demand for VAD services is growing.

What's happening in the NT?

The Northern Territory is now the only jurisdiction in Australia yet to pass VAD laws.

Although the NT was the first jurisdiction in the world to legalise VAD in 1995, this was overridden two years later by Commonwealth legislation preventing territories from making laws about assisted dying.

The Restoring Territory Rights Act 2022 paved the way for the territories to pass VAD laws and the ACT did this last year.

The NT took a slower approach, undertaking community consultation. This was completed in July 2024, with an expert panel recommending the NT introduce legislation "broadly consistent" with those in other states and the ACT.

However since being elected, NT Chief Minister Lia Finocchiaro has said that VAD is "not an immediate priority" for the government.

If Northern Territorians want VAD, they are going to have to make their voices heard, and loudly.

Photo: Go Gentle Australia

89% of NT News readers said they supported Territorians being able to access VAD.

Bring us in line with the rest of Australia

Sue Shearer, CEO of COTA NT *Sue was part of the Expert Panel selected by the NT government. She also represents the views of COTA NT members. 91% of Members surveyed in 2020 supported VAD legislation. In 2018, 78% of seniors surveyed were in support of VAD.*

The Northern Territory was the *first* jurisdiction in Australia to legislate Rights of the Terminally Ill (ROTI) in 1995. Now every other jurisdiction in the country has VAD legislation in place, when the Territory has none.

After much lobbying, the Restoring Territory Rights Act 2022 was passed in Federal Parliament on 1st December. This gave the Northern Territory its democratic rights to make its own decisions and laws on voluntary assisted dying.

The NT Government appointed an Expert Panel, of which I was part, to consult with Territorians. We did. Through community forums and meetings with 60 organisations, in 98 written submissions and in almost 1,400 survey responses, it was made clear to us. Over 75% communicated that they want the choice of how to die and wanted to see VAD legislation in the NT.

As CEO of COTA NT, I also had the opportunity to discuss this issue with seniors from all around the Territory. The majority were in favour of having VAD legislation in the NT. Even those people who would not consider VAD for themselves for religious reasons supported the *right to choose*.

The majority (roughly 90%) of COTA NT Members (primarily, but not exclusively of the Baby Boomer generation) told us they want the choice.

Advocates such as COTA NT are left wondering why the Members of the Legislative Assembly are delaying taking action on legislation its citizens evidently want and regrettably are still waiting for.

Territorians have waited nearly 30 years for VAD – surely our time has come?

Citizens living in every other state and Territory have this choice. Whilst some of the laws differ around issues such as eligibility, self-administration and prognosis, they are working.

So whilst most states are now reviewing their VAD laws, the Northern Territory languishes far behind them.

We implore the Northern Territory Government to start the process of creating our VAD legislation.

The work has been done before in 1995 and done again in 2024 – the procrastination needs to end.

I urge all Territorians to contact their local parliamentary member and ask,

"Do you consider Territorians to be second class citizens?" – if they do not, then they must support VAD and get started.

The bulk of the work has been done – let's update the Rights of the Terminally Ill, we don't have to start from scratch – let's just do it.

90% of COTA NT Members want VAD legislation in the Northern Territory.